

PRESENT:

Mr. Russell J. Gulley, Chairman

Mr. Reuben J. Waller, Jr., Vice-Chairman

Dr. William P. Brown

Mr. J. Dale Patton

Dr. Edgar V. Wallin

Mr. Kirkland A. Turner, Secretary to the Commission,

Planning Director

ALSO PRESENT:

Mr. William Dupler, Deputy County Administrator,

County Administration

Dr. David Pritchard, Special Projects Manager,

County Administration

Mr. Michael E. Tompkins, Assistant Director,

Development Review Section, Planning Department

Mr. Glenn Larson, Assistant Director,

Plans and Information Section, Planning Department

Ms. Bonnie L. Perdue, Clerk to the Commission,

Plans and Information Section, Planning Department

Mr. Steve Haasch, Planning Manager,

Plans and Information Section, Planning Department

Ms. Tara McGee, Senior Assistant County Attorney.

County Attorney's Office

Mr. Greg Allen, Planning Manager,

Review Section, Planning Department

Ms. Jane Peterson, Planning Manager,

Development Review Section, Planning Department

Ms. Darla Orr, Planning and Special Projects Manager,

Development Review Section, Planning Department

Mr. Ryan Ramsey, Planning and Special Projects Manager,

Development Review Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Development Review Section, Planning Department

Mr. Jesse Smith, Director,

Transportation Department

Mr. Scott Smedley, Director

Environmental Engineering Department

Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,
Fire and EMS Department
Mr. James Bowling, Principal Planner,

Plans and Information Section, Planning Department

ASSEMBLY AND WORK SESSION.

Messrs. Gulley, Waller, Brown, Patton and Wallin and staff assembled at 1:30 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

CALL TO ORDER.

I. <u>REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER</u> OF PRESENTATION.

Mr. Kirk Turner requested to add an item, introduction of the new Assistant Director of Public Utilities, Mr. Mike Nannery by Mr. George Hayes.

II. INTRODUCTION OF ASSISTANT DIRECTOR OF PUBLIC UTILITIES.

Mr. George Hayes, Utilities Director, introduced Mr. Mike Nannery, the new Assistant Director in Utilities to the Commission.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for March, April, May and June.

IV. REVIEW DAY'S AGENDA.

Mr. Greg Allen provided information on the 4 p.m. case for today.

Ms. Jane Peterson provided an overview to the Commission of the eleven (11) cases for today's agenda.

V. WORK PROGRAM - REVIEW AND UPDATE. 🖹

There were no questions relative to the work program.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no questions relative to the follow-up items list.

VII. (14PJ0110) ETTRICK VSU SPECIAL AREA PLAN.

In response to a question from Mr. Waller relative to the Futures Committee and neighborhood preservation strategies being incorporated in the Ettrick VSU Special Area Plan (SAP), Mr. Bowling advised these ideas were incorporated into the Ettrick VSU SAP.

Mr. Bowling stated VDOT's concerns have been addressed. Three (3) areas that were addressed in the Plan pertain to access in the Plan for bicycles, vehicles and pedestrians, any access to development along Chesterfield Avenue will have to be approved by VDOT and meet their development standards, and VDOT needed information about traffic generation. Staff has received a letter stating VDOT is satisfied with the changes that staff recommended.

Dr. David Pritchard stated he supports the Plan and asks for the Commission's support.

Dr. Wallin thanked his fellow Commissioners for their time in reviewing the plans.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission recommended approval of the Ettrick VSU Special Area Plan with the current modifications.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

VIII. (14PJ0154) TOWER SITING POLICY – SETBACKS & SMALL CELL TECHNOLOGY UPDATE.

Mr. Waller stated it would be acceptable to leave the policy as is and the Commission can deal with situations that arise on a case by case basis.

Messrs. Brown, Wallin and Patton concurred with Mr. Waller's comments.

Mr. Gulley thanked Ms. Peterson for the work she and staff have contributed.

IX. (14PJ0161) CODE AMENDMENT RELATIVE TO SMALL CELL TECHNOLOGY. 🗈

Ms. Jane Peterson presented an overview to the Commission relative to Small Cell Technology noting previous Work Session presentations, industry meetings and defining uses and criteria. Examples of structures where co-location would be allowed and disallowed were shown. Staff requests the Commission schedule a work session and public hearing on proposed Ordinance amendments relative to small cells.

Mr. Patton advised he would like to see the language expanded for telephone and light poles and to consider each case individually.

Mr. Gulley stated villages and residential areas should be protected.

Dr. Brown stated he would like to know what the Code says about television receiving antenna and amateur radio base antenna.

Staff requested the Commission set up a work session to codify language at the work session in April and set a public hearing in May.

X. PRESENTATION REGARDING FIRE/EMS IMPACTS FROM ASSISTED LIVING FACILITIES.

Assistant Fire Chief Robby Dawson presented an overview to the Commission relative to Fire and EMS coverage at assisted living facilities explaining the standards of coverage analysis, accreditation, community risk assessment, reviews of the services delivered and established performance measurement criteria.

XI. (15PJ0112) CODE AMENDMENT RELATIVE TO DEVELOPMENT STANDARDS MODIFICATION.

Mr. Ray Cash presented an overview to the Commission relative to development standards modification. The proposed ordinance provides for administrative approved deviation from provisions regarding development standards for a building or other improvement or a standard related to a building or other improvement. This includes provisions for height, setbacks, size or features of improvements. This ordinance would specifically preclude granting for provisions related to signs, access, and environmental such as BMP's or for items where relief provisions are granted to others. Conditions may be imposed related to the impact of the modification. This process is similar to what is in place now for variance requests and all of these conditions must be met and be made in writing. Acceptable written variance requests for situations such as strict application of the ordinance producing an undue hardship, the hardship is not shared generally by other properties in zoning district or vicinity, substantial detriment to adjacent property will not result and the character of the zoning district will not be changed and all adjacents must be notified and the property be posted.

On motion Dr. Wallin, seconded by Mr. Patton, the Commission resolved to set a public hearing on March 17, 2015 relative to the Code Amendment Relative to Development Standards Modification.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

XII. (15PJ0113) CODE AMENDMENT RELATIVE TO REVIEW FEES FOR SUBDIVISION CONSTRUCTION PLAN TABLE REVIEWS.

Mr. Ray Cash presented an overview to the Commission relative to fees for subdivision construction plan table reviews. The current fee structure allows for plans review with an initial submittal and two (2) additional submittals at a cost of \$1400 plus \$70 per lot, with any subsequent submittals at \$1000 each. The development community has communicated to staff that a reduction in fees for additional table reviews is desirable therefore staff seeks to reduce the fee to \$300 per review vs. \$1000. The Board has referred this to the Planning Commission for consideration.

It was declared by the Commission this item will go back on the March 17, 2015 Work Session.

XIII. (15PJ0110) WOODS EDGE ROAD TRUCK RESTRICTIONS THOROUGHFARE PLAN AMENDMENT.

Mr. Jesse Smith presented an overview to the Commission relative to the Virginia Department of Transportation (VDOT) comments related to the Woods Edge Road Truck Restrictions Thoroughfare Plan and the study will take ninety (90) days for VDOT to conclude.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission recommended to make no changes to the Thoroughfare Plan and to ask the Board to petition VDOT to consider a through truck restriction on Woods Edge Road.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

XIV. RECESS.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Mr. Gulley, Chairman, called the meeting to order at 4:00 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA.

II. <u>REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE</u> ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

III. REVIEW MEETING PROCEDURES.

The Commission dispensed with the reading of the meeting procedures until the 6:00 p.m. meeting.

IV. APPROVAL OF THE PLANNING COMMISSION MINUTES.

December 16, 2014 Minutes.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to approve the December 16, 2014 Planning Commission minutes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

V. PUBLIC MEETING.

A. <u>15PR0133</u>: In Midlothian Magisterial District, Kroger LIMITED PARTNERSHIP I requests site plan approval for KROGER R-523 STORE AND FUEL CENTER EXPANSION in a Community Business (C-3) District on approximately 16.2 acres located in the southwest quadrant of Midlothian Turnpike and Le Gordon Drive. Tax ID 725-708-2777, 5847 and Part of 0049.

Mr. Jeff Lamson presented an overview to the Commission and staff's recommendation for approval.

Mr. Jim Theobald, the applicant's representative, accepts staff's recommendations.

Mr. Gulley opened the floor for public comment.

Mr. Peppy Jones, Chairman of the Village of Midlothian Volunteer Coalition, supports the architecture of the building but does not support the fuel canopy expansion.

Mr. Fenton Childers, Kroger's representative is requesting expansion approval of the Ivymont store, parking lot and fuel dispensers.

There being no one else to speak, Mr. Gulley closed the public hearing.

In response to a question from Mr. Waller relative to tanker trucks clearing the canopy, Mr. Lamson stated there is adequate room for tankers to clear the canopy.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission agreed to recommend approval of Case 15PR0133 subject to the following conditions:

CONDITIONS:

- 1. Within the front setback along Midlothian Turnpike of the Kroger property, the landscape plan shall be revised to incorporate plantings indicated on the approved lyymont Landscape Plan dated October 26, 1990. At time of final approval of the fuel center construction, minor changes to plant species selections and plant locations may be required by the Director of Planning in order to limit views of the fuel center from public roads. (P)
- Setback landscaping along Midlothian Turnpike and Le Gordon Drive in the vicinity of the fuel island shall not be limbed up or removed other than to remove fallen, dead or diseased plant matter, unless otherwise required by Chesterfield County. Should the fuel island be removed in the future this requirement shall revert to Ordinance language addressing setback landscaping. (P)
- 3. Prior to administrative release of the site plan, the plans shall be revised and resubmitted in accordance with staff review comments, as applicable to the revised layout. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:25 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public meeting.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

II. <u>INVOCATION</u>.

Mr. Patton presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The pledge was led by Mr. John V. Cogbill.

IV. RESOLUTION RECOGNIZING MR. JOHN V. COGBILL, III.

Mr. Gulley acknowledged Mr. Cogbill's long service to Chesterfield County.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission adopted the following resolution:

RECOGNIZING MR. JOHN VALENTINE COGBILL III UPON HIS RETIREMENT FROM MCGUIREWOODS LLP

- WHEREAS, Mr. John Valentine Cogbill III, a 1970 graduate of the United States Military Academy at West Point who would go on to serve in the United States Army and retire with the rank of major, is also a 1979 graduate of the T. C. Williams School of Law at the University of Richmond; and
- WHEREAS, Mr. Cogbill, his wife Janet and their two sons made their home in Chesterfield County's Pocono Community just as he began working as a real estate lawyer for the law firm of McGuire, Woods and Battle in 1979; and
- WHEREAS, Mr. Cogbill, recognized by his neighbors for his leadership abilities and his intellect, was elected President of the Pocono Civic Association to help the Association negotiate the terms and conditions of a rezoning request for property that that would become the Moorefield Park development; and
- WHEREAS, after his experience in the Moorefield Park rezoning, Mr. Cogbill's law practice grew to include land use matters, and he represented clients in land use matters before the Chesterfield County Board of Supervisors, this Planning Commission and the Chesterfield County Board of Zoning Appeals more than 260 separate times; and
- WHEREAS, throughout his legal career, Mr. Cogbill dedicated himself to public and community service with a wide variety of public and private organizations and agencies that had important impacts on growth and development in Chesterfield County, the Richmond region, our Commonwealth and our nation; and
- WHEREAS, in 1995, Governor George Allen appointed Mr. Cogbill to be the Richmond District Representative to the Commonwealth Transportation Board, and during Mr. Cogbill's term the Board approved a public-private partnership to construct the final link of Route 288 from its former terminus with Route 76 to its interchange with Interstate 64 in Goochland County; and
- **WHEREAS**, the construction of Route 288 helped address congestion issues in western Chesterfield County and helped spur significant economic development that continues to help grow the County's inventory of commercial and industrial properties; and
- WHEREAS, in 1995, Mr. Cogbill, whose family first settled in what is now Chesterfield County in the 17th century, was appointed to serve as an at-large representative on Chesterfield

County's Historic Preservation Committee, a committee to which he has been reappointed several times and continues to serve; and

WHEREAS, in 2001, President George W. Bush appointed **Mr. Cogbill** to be Virginia's representative to, and Chairman of, the National Capital Planning Commission, a federal commission that serves as the central planning agency for the federal government in the National Capital Region; and

WHEREAS, Mr. Cogbill served as a Board member for the Chesterfield County Economic Development Authority from , 2003 to 2007 and was recognized for his service by the Chesterfield County Board of Supervisors; and

WHEREAS, during his career Mr. Cogbill served in leadership in a number of business, civic, and professional associations and boards, including serving as president of the Chesterfield-Colonial Heights Bar Association, as chair of the Chesterfield Business Council of the Greater Richmond Chamber, as an Executive Committee member and Board of Directors member for the Greater Richmond Chamber of Commerce, as chair of the Richmond District Council of the Urban Land Institute, and as chair of the Seventh Congressional District's United States Service Academy Advisory Board; and

WHEREAS, Mr. Cogbill has been recognized by business and professional organization for his community and professional service, including the Greater Richmond Chamber's Bernard L. Savage Community Service Award in 2003 and the Richmond Bar Association's Hill-Tucker Public Service Award in 2007; and

WHEREAS, Mr. Cogbill recently retired from McGuireWoods LLP after thirty-five years of service to the firm.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Planning Commission, on this 19TH DAY OF FEBRUARY, 2015, publicly recognizes John Valentine Cogbill III upon his retirement from McGuireWoods, LLP and expresses its appreciation for his years of public service to Chesterfield County and our community, the Richmond region, the Commonwealth of Virginia and our country.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Cogbill and that this resolution be permanently recorded among the papers of the Planning Commission of Chesterfield County, Virginia.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

V. REVIEW UPCOMING AGENDAS.

Mr. Turner reviewed the upcoming agendas.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

IX. PUBLIC HEARING.

WITHDRAWAL REQUEST BY APPLICANT

D. 15SN0592: In Midlothian Magisterial District, Southern Winterfield, LLC requests amendment of zoning (Case 06SN0110) to reduce the cash proffer and permit front loaded garages plus amendment of zoning (Case 06SN0111) to reduce the cash proffer and amendment of zoning district map in a Residential—Townhouse (R-TH) District on 23.1 acres fronting 155 feet on the north line of Winterfield Road, 355 feet north of Westfield Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (1.01 to 2.5 units/acre). Tax IDs 725-710-0461, 4141 and 6268.

Mr. Kirk Turner acknowledged the applicant's withdrawal.

DEFERRAL REQUEST BY APPLICANTS – REZONING AND CONDITIONAL USE.

A. <u>12SN0154*</u>: (AMENDED) In Dale Magisterial District, **Dominion Investment Partners, LLC** requests rezoning from Residential Townhouse (R-TH) to Residential Multifamily (R-MF) and amendment of zoning district map on 30 acres fronting in two (2) places for a total of 1,135 feet on the north line of Genito Road, across from Genito Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for High Density Residential use (minimum 8.0 to 12.0 dwellings per acre). Tax IDs 747-681-7089, 747-682-7022 and 8276: and 748-681-0499.

Ms. Kristen Keatley the applicant's representative requested deferral to the August 18, 2015 public hearing.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to defer Case 12SN0154 to the August 18, 2015 Planning Commission public hearing at the applicant's request.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

K. <u>15SN0616</u>: In Bermuda Magisterial District, PI Telecom Infrastructure, LLC requests a conditional use to permit a communications tower and amendment of zoning district map in an Agricultural (A) District on 9.6 acres known as 900 Enon Church Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 820-643-1987.

Mr. William Shewmake, the applicant's representative, requested deferral of Case 15SN0616 to the April 21, 2015 Planning Commission public hearing.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to defer Case 15SN0616 to the April 21, 2015 Planning Commission public hearing at the applicant's request.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- <u>DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONERS REZONING</u> AND CONDITIONAL USE PLANNED DEVELOPMENT AND CONDITIONAL USE.
- B. <u>13SN0521</u>: In Matoaca Magisterial District, Lake Margaret, LLC requests rezoning from Residential (R-88) to Residential (R-25) with conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 209.2 acres located in the southwest corner of Woodpecker and Cattail Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax ID 766-639-8114 and 767-640-1470.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 13SN0521 to the April 21, 2015 Planning Commission public hearing.

Mr. Gulley opened the floor for public comment.

Mr. Richard A. Rood spoke in opposition to the case. Mr. Gulley advised that Dr. Wallin planned to hold additional community meetings and he could speak at that meeting.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission, on their own motion and without the applicant's consent, resolved to defer Case 13SN0521 to the April 21, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

F. <u>15SN0611</u>: In Dale Magisterial District, **SBA** requests a conditional use to permit a communications tower and amendment of zoning district map in a Light Industrial (I-1) District on .1 acre fronting 20 feet on the western terminus of Virginia Pine Court, 1060 feet west of White Pine Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 765-670-Part of 6637.

Ms. Orr indicated staff has a letter on file from the applicant agreeing to the District Commissioner's request for deferral.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission, on their own motion and without the applicant's consent, resolved to defer Case 15SN0611 to the April 21, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- <u>CONSENT ITEMS- CONDITIONAL USES AND CONDITIONAL USE PLANNED DEVELOPMENT.</u>
- E. <u>15SN0609</u>: In Bermuda Magisterial District, **Stericycle**, **Inc.** requests a conditional use to permit regulated medical waste transfer facility and amendment of zoning district map in a Heavy Industrial (I-3) District on 8.2 acres fronting 190 feet on the north line of Bellwood Road, 1700 feet east of Haven Avenue. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 797-677-4473.
 - Mr. Don Utz, the applicant's representative, accepted staff's recommendation.
 - Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 15SN0609 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS:

- 1. Prior to the issuance of a certificate of occupancy for any medical waste transfer use and/or facility, the applicant shall provide copies of all plans and permits approved by the Department of Environmental Quality for such use and/or facility to the Planning Department. (P)
- 2. All transfers of medical waste shall be conducted in accordance with all applicable laws. All transfers of waste shall occur within an enclosed building. The floor of the building shall be coated with a sealant or otherwise treated and maintained to ensure the floor is impermeable to liquids. All transfers of medical waste shall be conducted in a manner that would ensure such waste is not degraded by exposure to the elements. (P)

- 3. Trucks and trailers emptied of all waste shall be parked onsite. In addition, a maximum of six (6) storage trailers containing waste shall be permitted onsite at any given time provided that no medical waste shall be stored in such trailers for more than seventy-two (72) hours unless it is refrigerated, maintained at an ambient temperature between thirty-five (35) and forty-five (45) degrees Fahrenheit. (P)
- 4. All trucks and trailers containing medical waste shall be marked in accordance with state and federal laws. All containers of medical waste also shall be labeled to identify the contents as medical waste. (ES)
- 5. The facility shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be posted in a manner to provide notice that medical waste is transferred on the site. The exact design and location of this fence and posting shall be approved by the Planning Department and Emergency Services prior to the issuance of a certificate of occupancy for the use. (P and ES)
- 6. Security cameras shall be located and maintained on site to monitor the facility. (P)
- 7. A security plan shall be submitted every two (2) years for review and approval by the Police Department and, if necessary, modified to insure that medical wastes are secured. (PD)
- 8. A notification and cleanup plan shall be submitted every two (2) years for review and approval by Emergency Services and, if necessary, modified to insure that medical waste spills are quickly and safely cleaned and transported to an approved disposal facility.(ES)
- 9. The transfer and/or storage of nuclear waste shall not be permitted. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- **G.** <u>15SN0612</u>: In Bermuda Magisterial District, **Chesterfield County Board of Supervisors** propose a conditional use planned development to permit exceptions to ordinance requirements relative to road frontage requirements and amendment of zoning district map in a Residential (R-7) District on .9 acre fronting 20 feet on the east line of Gill Street, 400 feet south of Mathenay Drive. Residential use of up to 1.1 units per acre is proposed. The Comprehensive Plan suggests the property is appropriate for Residential use (2.5 dwellings per acre or less). Tax ID 792-655-1850, 2841 and 3953.
 - Mr. Kirk Turner the applicant's representative accepted staff's recommendation.
 - Mr. Gulley opened the floor for public comment.
 - Mr. Earl Crowder, adjacent property owner, stated that he will be sharing a driveway with the property and would like an explanation.

Mr. Ryan Ramsey agreed to meet with Mr. Crowder to present the proposed driveway plan.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0612 subject to the following conditions:

CONDITIONS:

- 1. Road Frontage: A minimum of twenty (20) feet of public road frontage shall be provided for the dwelling. (P)
- 2. Foundations: The exposed portion of any foundation shall be brick or stone. (P)
- 3. Exterior Facades: Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), and horizontal lap siding. Horizontal lap siding may be permitted to be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Additional siding requirements:
 - a. Cementitious and vinyl siding is permitted in traditional wide beaded styles only. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .042".
 - b. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted. (P)
- 4. Roof Material: Roofing material shall be dimensional architectural shingles or better with a minimum thirty (30) year warranty. (P)
- 5. Porches, Stoops and Decks
 - a. <u>Front Porches</u>: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or sawn balusters. Pickets shall be supported on top and bottom rails that span between columns.
 - b. <u>Front Porch Flooring</u>: Porch flooring shall be permitted to be concrete, exposed aggregate concrete or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. All front steps shall be masonry to match the foundation or finished wood with painted risers. (P)

- 6. <u>Manufactured Homes</u>. Manufactured homes shall not be permitted. (P)
- Minimum House Size. The minimum gross floor area shall be 1,600 square feet for a one-story dwelling unit or 1,800 square feet for a dwelling unit greater than one-story.
 (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- I. <u>15SN0614</u>: In Bermuda Magisterial District, Rush Truck Centers of Virginia requests amendment of conditional use (Case 06SN0114) to permit truck sales and amendment of zoning district map in a General Industrial (I-2) District on 4 acres fronting 190 feet on the south line of West Hundred Road, 300 feet west of Ware Bottom Spring Road; also fronting 790 feet on the north line of Ware Bottom Spring Road, 380 feet west of West Hundred Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office use. Tax IDs 805-653-3722 and 7422.
 - Mr. Rick Switzer, the applicant, accepted staff's recommendation.
 - Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0614 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS:

- 1. Truck sales use shall only be permitted incidental to the truck repair and rental business. (P)
- 2. Storage of a maximum of five (5) trucks for sale shall be permitted. Such storage shall be limited to the area identified on Exhibit A, dated February 6, 2015. (P)
- 3. Perimeter landscaping J shall be installed along the West Hundred Road frontage in accordance with the Zoning Ordinance requirements. A landscaping plan shall be submitted to the Planning Department for review and approval within six (6) months of the approval of this request. The landscaping shall be installed within three (3) months of the approval of the landscaping plan. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

J. <u>15SN0615</u>: In Dale Magisterial District, **April Jack** requests a conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .3 acre known as 6406 Bareback Terrace. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 770-683-0899.

Ms. April Jack, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0615 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS:

- Non-Transferable Ownership: This conditional use approval shall be granted to and for April Jack, exclusively, and shall not be transferable nor run with the land. (P)
- 2. <u>Expansion of Use</u>: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
- 3. <u>Signage</u>: There shall be no signs permitted to identify this use. (P)
- 4. <u>Number of Children</u>: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
- 5. <u>Hours of Operation</u>: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
- 6. <u>Time Limitation</u>: This conditional use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
- 7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Within 90 days of approval, outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
- 8. <u>Employees</u>: No more than one (1) employee shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

H. <u>15SN0613</u>: In Midlothian Magisterial District, Verizon Wireless requests a conditional use to permit a communications tower and amendment of zoning district map in a Residential (R-40) District on 1.4 acres fronting 20 feet on the west line of Old Gun Road East, 2450 feet north of Huguenot Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax ID 743-721-Part of 2921.

Ms. Jane Peterson presented an overview to the Commission and staff's recommendation for approval. The conditional use would be to permit a 100 foot communications tower in a Residential R-40 District. The request complies with the Plan and is consistent with Telecommunications Tower Siting Policy. Proffered Conditions would limit the proposed tower to a "slick stick" monopole design which provides for antennas to be internally mounted. The tower has been located and designed to conceal the facility and to minimize the visual impact. Staff has received five (5) letters of support and one (1) letter of opposition.

Mr. Jeff Geiger, the applicant's representative, stated the applicant agrees to the staff report and the conditions within. The tower will help satisfy cellular demand in the area that is experiencing minimal or no cell coverage. Other suggested tower locations do not meet Verizon's objectives and this location allows Verizon to use topography to provide coverage in that area. As a result of using the footprint of an old barn that fell on the property, minimal trees will be removed.

Mr. Gulley opened the floor for public comment.

Mr. Matt Squarzini, adjacent property owner to the site, does not support Verizon's request.

In rebuttal, Mr. Geiger stated if the site were located anywhere else on the property trees would have to be removed exposing the site. The current land owner wants the tower to be located in an area where minimal trees will be removed and this is the only site that satisfies all criteria. This location complies with the Plan and the Tower Siting Policy.

Ms. Catherine Porzio, adjacent property owner, asked Verizon to move the tower further away from where her future home is to be built.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0613 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS:

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffer shall immediately be null and void and of no further force or effect.

- 1. There shall be no signs permitted to identify this use. (P)
- The base of the tower shall be enclosed by a wood board-on-board fence designed to
 preclude trespassing and to screen the base of the tower and ground-mounted equipment
 from adjacent properties (the "Fence"). The Fence shall have a height equal to or greater

than the height of the tallest ground-based equipment or shelter (excluding the tower) installed within the 50' x 50' fenced compound. A twenty-five (25) foot wide buffer shall be provided around the northern, western, and southern sides of the 50' x 50' fenced compound (the "Buffer") as shown on the site plan attached hereto. This buffer shall meet the planting requirements of "perimeter landscaping C" of the Zoning Ordinance. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

- 3. The color, design and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a "slick stick" monopole structure with antennas concealed within the structure.
 - d. No satellite dish and microwave dish antennas shall be attached to the telecommunications tower. (P)
- 4. Any building or mechanical equipment shall comply with the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment in O, C and I Districts. (P)
- 5. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
- 6. The tower shall not exceed a height of 100 feet. (P)
- 7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

B. 15SN0606*: In Bermuda Magisterial District, Karl Johnson, requests rezoning from Agricultural (A) to Community Business (C-3) plus conditional use planned development to permit exceptions to ordinance requirements relative to setbacks and buffers and amendment of zoning district map on 2.1 acres lying 180 feet off the east line of Iron Bridge Road, across from Court Yard Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Mixed use. Tax ID 774-658-1727.

Mr. Ryan Ramsey presented an overview to the Commission and staff's recommendation for denial as the request does not comply with the Plan and fails to provide for a mix of commercial and higher density residential uses; land aggregation and master planning to promote a mixed use development; and a coordinated plan of development to substantiate requested setback exceptions. The request property was originally part of a twenty-nine (29) acre tract located to the

north and east and has been recently purchased by the applicant with the intent of developing this property in conjunction with adjacent zoned property to the west. Setback exceptions are requested adjacent to the parent tract. Proffered conditions limiting uses, hours of operation and architectural treatment are consistent with those accepted in the adjacent C-3 zoning to the west.

Mr. Karl Johnson, the applicant, requested the Commission consider the changed zoning and the setback requirements.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Patton stated this corridor is in transition and a new Kroger is going in across the street. At the community meeting the applicant had architectural renderings and at the meeting they were not proffered with the case. The site plan that is being show is just a tentative layout. Mr. Johnson offered an egress if it was necessary for the big box store. The landowner behind his property supports his development.

Mr. Waller stated he would have preferred Transportation to be present to address questions about a signal light at the entrance of the new Kroger.

Mr. Turner advised there would be a signal light at the new Kroger.

On motion of Mr. Patton, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0606 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS:

- 1. The Textual Statement, dated January 15, 2015, shall be considered the master plan for the setback and buffer along the eastern property line of the site. (P)
- 2. The following uses shall not be permitted:
 - a. Cocktail lounges and nightclubs
 - b. Liquor stores (P)
- 3. No use shall be open to the public between the hours of 11 p.m. and 6 a.m. (P)
- 4. In addition to the requirements of the Zoning Ordinance for commercial development in Emerging Growth Areas, all structures shall incorporate Federalist and Colonial architectural design features, similar to those displayed in the Chesterfield Meadows Shopping Center. Further, any buildings shall be in general conformance with the elevations in Attachment 3 entitled "Proposed Elevations for Retail Space; 10901-11001 Ironbridge Road" dated June 17, 2014, relative to architectural style, materials, colors, details and other design features. The exact building treatment shall be approved at the time of site plan approval. (P)

X. PUBLIC HEARING, CONSIDERATION OF THE FOLLOWING CODE AMENDMENTS.

A. RELATIVE TO ETTRICK DESIGN STANDARDS (15PJ0111).

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 19-42, 19-99, 19-131, 19-145, 19-152, 19-159, 19-509.1, 19-513, 19-514.1, 19-600, 19-606, 19-608, 19-609, 19-611, 19-621, 19-622, 19-623, 19-634, 19-635, 19-636, 19-637, 19-638, 19-640, 19-645 and 19-649 of the Zoning Ordinance relating to the Ettrick Special Design District (ESDD). Among other things, it would repeal Ettrick Village Core and Ettrick community post development districts and create the ESDD, generally bounded by CSX railroad on the west, Dupuy Rd. on the north, Colonial Heights on the east and Appomattox River on the south for property zoned Office, Commercial and Industrial. Among other things, it would prohibit dwellings in nonresidential district unless single unit is located in building incorporating nonresidential use; allow commercial parking areas; permit vendors in hardscaped areas; require 2.2 parking spaces per 1000 square feet of gross floor area for certain uses; count on-street spaces towards parking requirements; eliminate side yard setbacks; for buildings, require 70 foot rear yard setback; require 8 foot setback from Chesterfield Ave., Granger St., Bessie Ln. and East River Rd.; require parking be located no closer to such roads than rear of building or if no building, setback either 1/2 depth of lot or no closer than rear façade of nearest building facing road; require 15 foot parking and building setback for other roads but that parking not be located between building and road; require street trees and lights along all roads; for parking, eliminate rear yard setbacks; minimize views of parking from roads and property designated for single family residential use; require 2 story buildings and limit height to lesser of 4 stories or 60 feet; require compatible architecture within design district; require 75% of building facade, excluding area for windows and doors, fronting or visible from roads be faced with brick, stone, or similar material with no façade consisting of materials inferior in quality, appearance or detail to others; excluding hotels, motels and offices, limit individual uses to 10,000 square feet of gross floor area except grocery stores limited to 40,000; require 1st floor storefront windows and pedestrian entrances that connect to sidewalks for buildings within 30 feet of road; require bicycle facility along east line of Granger St. and northeast line of Chesterfield Ave.; prohibit vehicular drives between roads and buildings; minimize view of gasoline pumps, drive-in/thru facilities and stacking spaces from roads.

Mr. Ray Cash presented an overview to the Commission on the Ettrick Special Design District relative to the changes addressing architecture, setbacks, building heights, etc.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the Code Amendments.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of the Code Amendments Relative to the Ettrick Special Design District, Sections 19-42, 19-99, 19-131, 19-145, 19-152, 19-159, 19-509.1, 19-513, 19-514.1, 19-600, 19-606, 19-608, 19-609, 19-611, 19-621, 19-622, 19-623, 19-634, 19-635, 19-636, 19-637,

19-638, 19-640, 19-645 and 19-649 of the Zoning Ordinance relating to the Ettrick Special Design District (ESDD).

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

B. RELATIVE TO SUBDIVISION PLATS (14PJ0159).

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 17-9, 17-21, 17-22, 17-24, 17-40, 17-42, 17-43, 17-46, 17-47, 17-48, 17-49, 17-50, 17-61, 17-62, 17-68, 17-76, 17-82 and 17-85 of the Subdivision Ordinance and Sections 19-62, 19-105, 19-240.2, 19-261, 19-521, 19-523, 19-526 and 19-551 of the Zoning Ordinance relating to Lot Subdivisions that are not subject to Preliminary Plat Subdivision Process. Among other things, it would provide for voluntary submission of a preliminary plat for lot subdivisions of 50 lots or less; eliminate the minor subdivision review process with related fee; require subdivision certificate to include the term "strips" for dedication of land to the county; require submission of a conceptual plan in certain cases; and include within the definition of "subdivision" a division that results in two or more parcels. Also, for those lot subdivisions not receiving preliminary plat approval, it would specify information to be submitted at initial application for construction plan or final plat; posting of property to notify public; and require recreational facilities for townhouse subdivision to be provided prior to issuance of unit building permits. It would also make certain structural and formatting changes to accomplish all of the foregoing.

Mr. Ray Cash presented an overview to the Commission relative to the Subdivision Plat process as a result of a State Code change and the adoption of this change will bring the County in line with State requirements.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the Code Amendments.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Gulley, seconded Dr. Wallin, the Commission resolved to recommend approval of the ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 17-9, 17-21, 17-22, 17-24, 17-40, 17-42, 17-43, 17-46, 17-47, 17-48, 17-49, 17-50, 17-61, 17-62, 17-68, 17-76, 17-82 and 17-85 of the Subdivision Ordinance and Sections 19-62, 19-105, 19-240.2, 19-261, 19-521, 19-523, 19-526 and 19-551 of the Zoning Ordinance relating to Lot Subdivisions that are not subject to Preliminary Plat Subdivision Process.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

C. RELATIVE TO REVIEW FEES FOR SUBDIVISION CONSTRUCTION PLAN TABLE REVIEWS (15PJ0112).

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 17-9 and 17-85 relating to subdivision construction plan "table review" and fees. This ordinance will permit review and approval of revised

subdivision construction plans that in the opinion of all members of the plans review team involve minor changes and the impacts of such revisions are minimal at a meeting between team and subdivider. Further, the ordinance establishes a fee of \$350 for such reviews.

Mr. Ray Cash presented an overview to the Commission relative to amendments to construction plan fees.

Mr. Gulley opened the floor for public comment.

Mr. Andrew Clark with the Homebuilders Association agrees with the \$350 table review fee.

No one else came forward to speak in favor of, or in opposition to, the Code Amendments.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend approval of the ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 17-9 and 17-85 relating to subdivision construction plan "table review" and fees.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

XI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

XII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller that the meeting adjourned at 7:45 p.m. to Tuesday, March 17, 2015 at 3:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.				
Chairm	nan/Date		Secretary/Date	